CITY OF ISSAQUAH
Department of Public Works/Engineering
MAJOR DEVELOPMENT REVIEW TEAM
PO Box 1307, Issaquah, WA 98027-1307
425/837-3414 Fax: 425/837-3439

CITY OF ISSAQUAH
MAJOR DEVELOPMENT REVIEW TEAM

STAFF REPORT – 12 September 2011

File No.: SEP11-00002

Project: Issaquah Highlands, Block 23 Steep Slope Hazard Critical Area Study

Applicant: Mr. Tom Neubauer
Block 24 LLC
375 118th Ave. SE, Suite 118
Bellevue, WA 98005

Request: To approve the Steep Slope Hazard Critical Area Study in order to define a created steep slope within the proposed project site and reduce steep slope critical area buffer impacting the project site, known as the Issaquah Highlands Block 23. The proposed steep slope buffer reduction is from 50 feet to 0 feet as measured from the toe of slope.

Location: Block 23 is generally located north of the easterly extension of N.E. Discovery Dr., easterly of 10th Ave N.E. and westerly of Parcel A of the South Expansion Final Plat.

Decision: The MDRT approves the Critical Area study subject to Conditions noted below. Approval with Conditions of this application is based on the application information submitted for -

- Geotechnical Critical Areas Study, Block 23, – Issaquah Highlands NE Discovery Drive and 10th Ave NE (SEP11-00002) prepared by Earth Solutions NW, Inc. dated 8/16/11.
- Geotechnical Critical Areas Study, Block 24, – Issaquah Highlands (SEP09-001IH) prepared by Earth Solutions NW, Inc. dated 3/12/10.
- Geotechnical Critical Areas Study, Block 24, East 42 –Issaquah Highlands (SEP09-001IH) prepared by AMEC Earth & Environmental, Inc. dated 11/30/09.
- Block 23 Site Development Permit (ASDP11-00006) prepared by GGLO, application dated 6/16/11
- Block 24 Steep Slope Hazard Critical Area Study Revised Notice of Decision (SEP09-001IH) dated 08/01/10.

The Responsible Official for the Issaquah Highlands development hereby makes the following Findings of Fact based upon information provided in the application submittal as well as that provided to the City by qualified professionals and interested parties; and, Conclusions of Law based upon the Development Agreement, the Issaquah Highlands (Grand Ridge) Environment Impact Statement (EIS), and other Municipal policies, plans, rules and regulations.

FINDINGS OF FACT:

1. This request has been reviewed against the development requirements in City Code as well as those in the 2-Party Development Agreement for Issaquah Highlands.

2. Port Blakely Communities (PBC) requested to adopt in full Appendix E (Critical Areas Regulations) of the Talus Development Agreement to replace Appendix E (Critical Areas Development Standards) of the Issaquah Highlands Two-Party Agreement. This request was approved on August 7th 2007 through a Notice of Decision (AM07-005IH). This Notice of Decision for the approval of the Critical Area Study is based upon the adopted regulations.

3. This Notice of Decision is based on geological information provided by the applicant and previous Notice of Decision SEP09-001IH.

4. The proposed grading activity will modify or eliminate the steep slopes at the toe of slope within the development, refer to Figure 2 – Wall Plan, Plate 3 – Critical Area Study and Plate 4 – Cross Section A-A Critical Area Study. The aforementioned details the proposed wall alignment and post-grading section conditions respectively.

5. The remaining critical area (steep slope and buffer) shall be protected and placed in a critical areas tract or conservation easement per the provisions of Appendix E.

6. The "Issaquah Highlands 2-Party Development Agreement" Appendix E, Section 24.0 *Steep Slope Hazard Areas – Protection Mechanisms and Permitted Alterations* of the Two Party Agreement provides for alteration or elimination of steep slopes through approved grading activities if the "slope stability is maintained or enhanced". Furthermore the Development Agreement provides for alteration of steep slopes through approved grading activities if the "slope stability is maintained or enhanced" and a reduction of the buffer may be approved such that it "will not reduce the level of protection to the proposed development" and "in no case shall an occupied building be no closer than 25 feet (including buffer) to the toe of a steep slope (or altered steep slope..)".

   The existing steep slope has been created through previous permitted grading activities. Appendix E, Section 24.0 Subsection D.2. states that, "Any slope which has been created though previous, legal grading activities may be regarded as part of an approved development proposal. Any slope which remains equal to or in excess of forty (40) percent following site development shall be subject to the protection mechanisms for steep slopes." The proposed MSE Wall and upslope grading will reduce the slope to less than 40% and create the toe of critical area slope at a point 25ft easterly of the wall face. Contrary to the request of a buffer of zero feet, the buffer shall be 10ft from the toe of the revised slope with a B.S.B.L. of 15ft as measured from the buffer, consistent the above noted building setback requirement.

7. Previous grading activities which removed all vegetation from the slope. Issaquah Municipal Code 16.26.050.E.5 call for the provision of a Restoration Plan and Appendix E, Section 24.0 Subsection E - *Removal or Introduction of Vegetation on Landslide or Steep Slopes* states that "unless otherwise specified the" restrictions of the Subsection "apply to vegetation removal or introduction in steep slope hazard areas, landslide hazard areas and their buffers....On the slopes which have been disturbed by human activity....replacement with native species or other appropriate vegetation may be required subject to approval by the Responsible Official of an enhancement plan." The East 42 Steep Slope Vegetation Plan (PUB10-002IH) and landscape performance bond #336668S has provided for the re-vegetation of the steep slope area easterly of the proposed Block 23 wall. The permitted restoration has been has been executed an anticipated the construction of this wall, providing for hydro-seed only within the area to be graded.

   The slope above the retaining wall disturbed during construction of the Block 23 shall be replanted with native vegetation prior to issuing a Certificate of Occupancy and a landscape plan must be reviewed and approved prior to plant installation.

8. This Critical Area Study has been reviewed by RH2 Engineering, Sub Terra Inc. and HWA Geosciences.

9. Approval of this request will not increase the number of Equivalent Residential Units (ERUs) allowed within the project envelope.

10. This is a non-project action; additional City approvals will be required prior to commencement of construction activities in this area.

11. On September 14th and 21st 2011 the City provided public notice of the Preliminary Notice of Decision (SEP11-00002) and requesting written comments. The public comment period ends on September 28th 2011.

CONCLUSIONS OF LAW:

Staff has concluded that the Critical Areas Study for the Block 24 Steep Slope Hazard may be approved with conditions. This decision is based upon the information contained in the submitted study and the recommendations provided to the MDRT by qualified professionals and other interested parties. The determination is supported by the goals found in the Development Agreement for the development of the project as well as the City of Issaquah Comprehensive Plan. These goals are listed below:

The environmental features identified as critical areas which require regulation by the City are: coal mine hazard areas, streams, wetlands, steep slopes, protective buffers, as well as areas subject to erosion, flooding, landslides, and seismic activity (Appendix E, Section 3).

It is the intent of the City to balance the community vision which includes: environmental protection and preservation; diversified economic growth which has been planned; and, overall improvement of the quality of life for the residents in Issaquah (Appendix E, Section 2).

The Critical Areas Development Standards (Appendix E, Section 8) accomplish the purpose of protecting environmentally critical areas in the Issaquah Highlands Project. By regulating development and alterations to critical areas, the Standards seek to:

- Protect members of the public and public resources and facilities from injury, loss of life, property damage or financial losses due to flooding, erosion, landslides and seismic events, soil subsidence and steep slope failures;
- Protect unique, fragile and valuable elements of the environmental including wildlife and its habitat;
- Mitigate unavoidable impacts to environmentally critical areas by regulating alterations in critical areas;
- Provide City officials with sufficient information to protect critical areas; and
- Implement the policies of the State Environmental Policy Act, Chapter 43.21C RCW, Issaquah Municipal Code, City of Issaquah Comprehensive Plan (ICP) and Issaquah Highlands Development Agreement.

Implement the critical area regulations by focusing future growth in the following: (1.1.9)

1.1.9.1 areas with no or minimal environmentally critical areas;
1.1.9.2 vacant platted lots in areas with existing public facilities;
1.1.9.3 areas where infill and redevelopment can occur with less environmental impacts due to the degree of existing development

Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner (ICP 1.2).

Provide innovative solutions to development conflicts between the natural & built environment (ICP EV-3.1.3)

CONDITIONS:

The Responsible Official for this proposal has determined that this action falls under the provisions of the Issaquah Highlands EIS and it does not have a probable, significant adverse impact on the environment, and that it is consistent with the intent of the Development Agreement and other applicable City codes, only if the following conditions are met.

1. The toe of the slope shall be defined as the point at which the slope remains equal to or in excess of forty (40) percent (minimum of 25-feet behind the face of wall), see **Figures 2 and 3**. A 10-foot buffer from the toe of slope and a 15-foot BSBL (occupied structures) shall apply.

2. A landscape re-vegetation plan shall be submitted for the slope above the east retaining wall disturbed during construction of Block 23 (no less than 25ft easterly of subject wall). The area shall be replanted with native vegetation including trees, accepted and bonded for maintenance prior to issuing a Certificate of Occupancy for Block 23.

3. The applicant shall provide a geotechnical certification that the construction of the wall met the recommendations of the geotechnical report submitted for this Critical Area Study.

4. The following shall be completed prior to the issuance of a building permit for structures within the altered steep slopes along the perimeter or within 50 feet of the steep slope:

    a. The applicant shall establish a mechanism that is acceptable to the Responsible Official which notifies the all future buyers of the lot that the steep slope buffer was reduced and the development has occurred within 50 feet of the steep slope or the steep slope has been eliminated (e.g. notice on title).

    b. The applicant shall execute an agreement on a form approved by the City Attorney, which indemnifies and holds the City harmless for development within 50 feet of the steep slope or where the steep slope has been eliminated.

This Decision is issued as permitted through Appendix "E" - Critical Area Regulations of the Development Agreement for Issaquah Highlands. This decision was made after the review of a completed Critical Areas Study and other information on file with the City. This information is available to the public upon request. Any person aggrieved of the City's determination may file an appeal to the City's Hearing Examiner within 14 days following issuance of this decision. Appeal procedures are provided in the Issaquah Municipal Code.

RESPONSIBLE OFFICIAL: Doug Schlepp, P.E.
POSITION/TITLE: MDRT Project Manager
Public Works Engineering Department

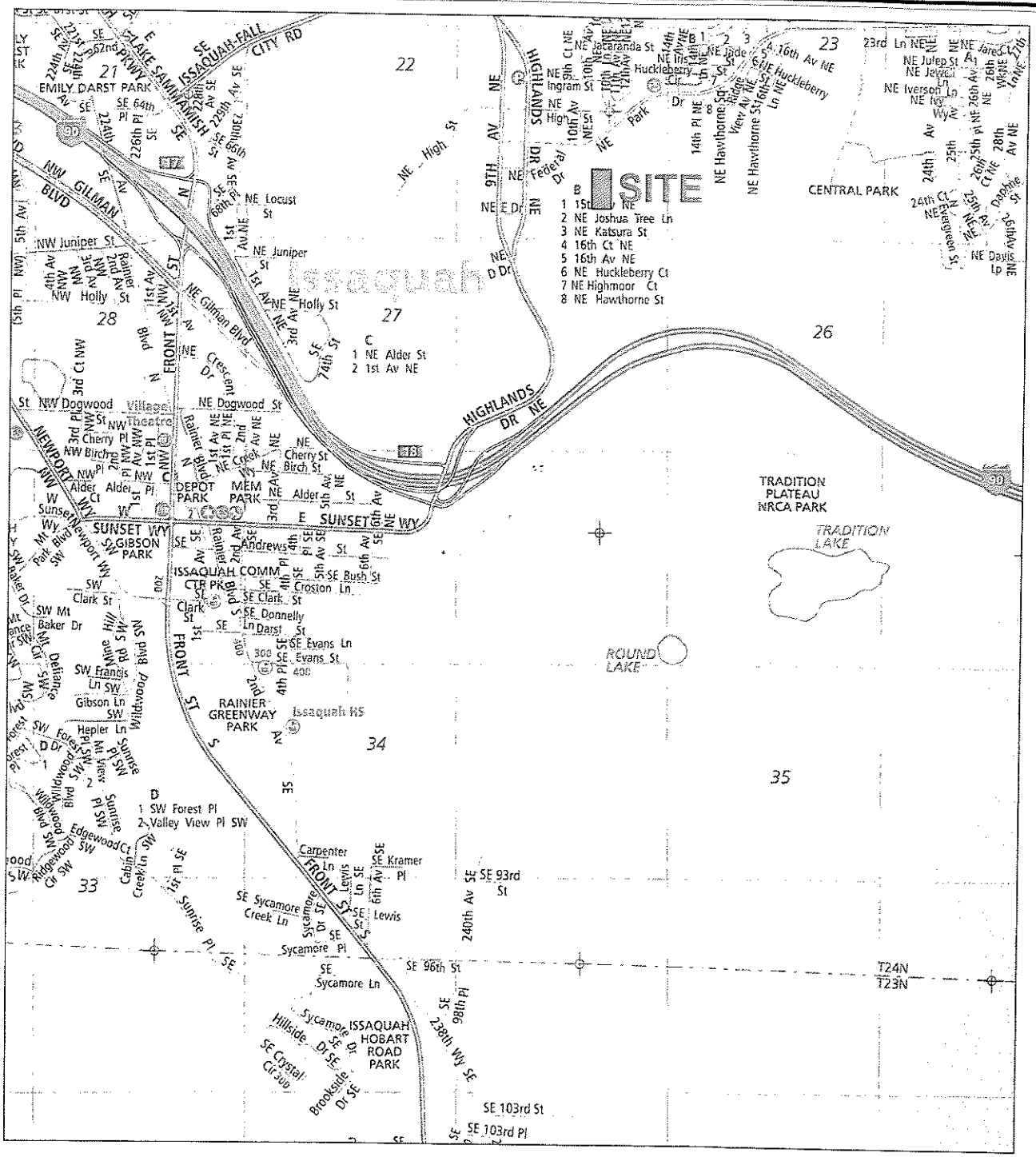
Sept 12, 2011
DATE ISSUED:

SIGNATURE:

Attachments

Plate 1 - Vicinity Map
Plate 3 – Wall Plan
Plate 5 – Wall Detail

Cc:
Tom Neubauer, Block 24 LLC
Dan Ervin, MDRT
File
Keith Niven, MDRT
Lucy Sloman, MDRT



NORTH

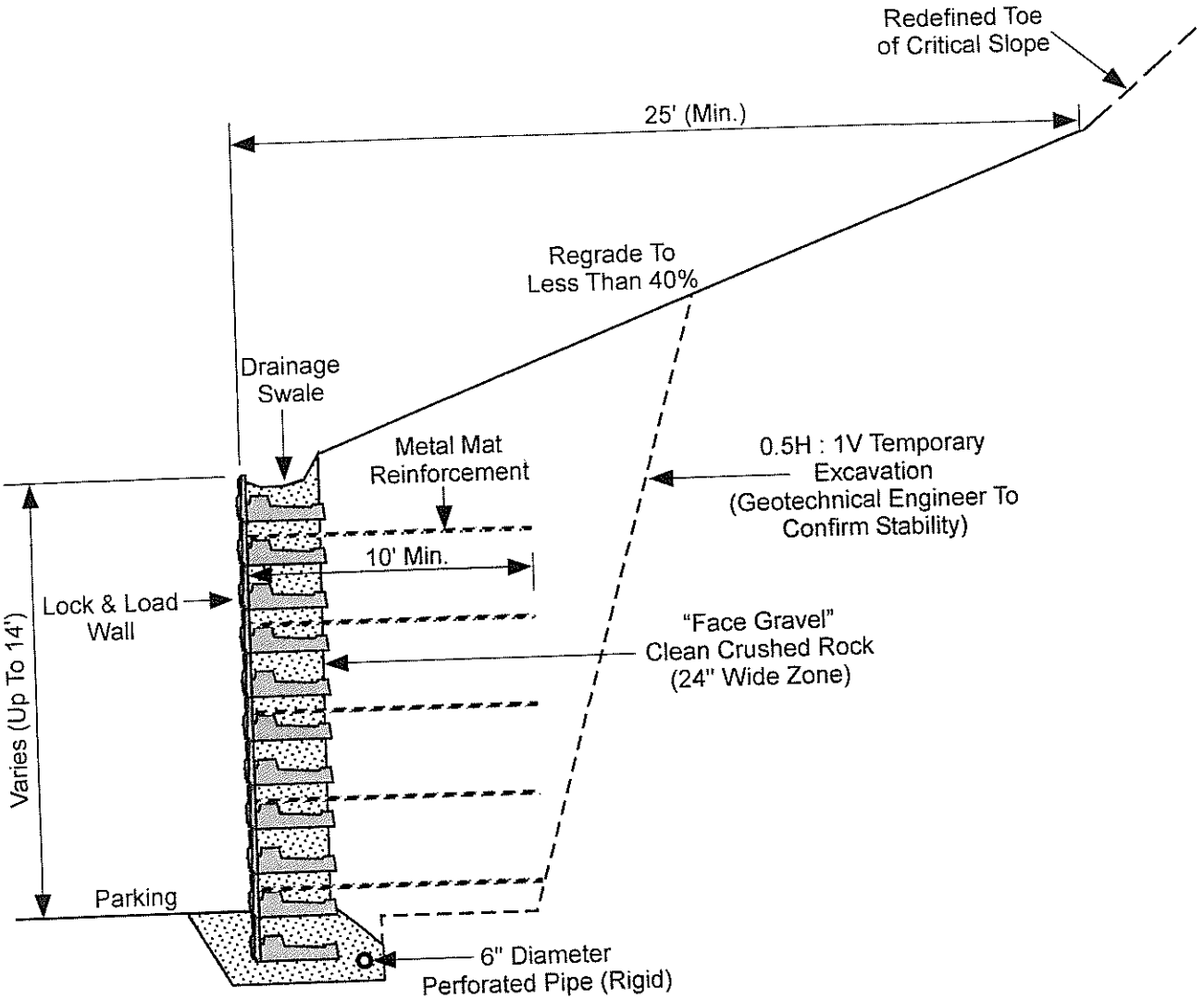
Reference:
King County, Washington
Map 628
By Thomas Brothers Maps
Dated 2009

NOTE: This plate may contain areas of color. ESNW cannot be responsible for any subsequent misinterpretation of the information resulting from black & white reproductions of this plate.

Earth Solutions NW LLC
Engineering, Construction Monitoring and Environmental Sciences

Vicinity Map - Critical Area Study
Issaquah Highlands - Block 23
Issaquah, Washington

Drwn. GLS	Date 08/15/2011	Proj. No. 1699.11	
Checked RAC	Date Aug. 2011	Plate 1	



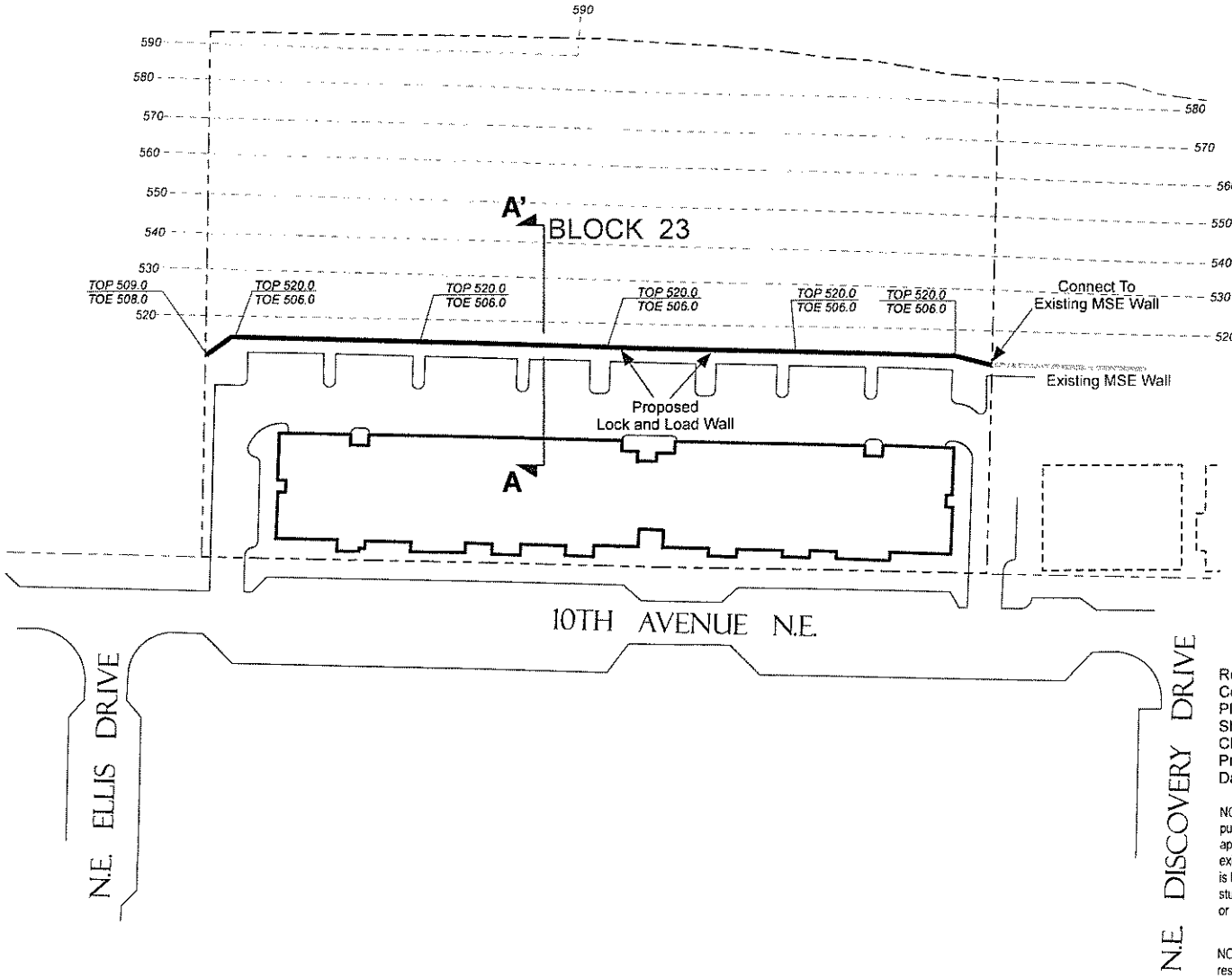
Not - To - Scale

NOTE:
Formal Wall Design must be completed as part of final construction documents.

Earth Solutions NW LLC
Geotechnical Engineering, Construction Monitoring and Environmental Sciences

Conceptual Wall Detail - Critical Area Study
Issaquah Highlands - Block 23
Issaquah, Washington

Drwn. GLS	Date 08/15/2011	Proj. No. 1699.11
Checked RAC	Date Aug. 2011	Plate 5



NORTH

0 30 60 120

1"=60' Scale in Feet

LEGEND

- Proposed Lock and Load Wall
- Subject Site
- Existing Building
- Proposed Building
- Cross Section Line (See Plate 4)

Reference:
Conceptual Grading and Drainage Plan
Sheet N. C3.01
CP/H Consultants
Proj. No. 0024-11-009
Dated June 16,2011

NOTE: The graphics shown on this plate are not intended for design purposes or precise scale measurements, but only to illustrate the approximate test locations relative to the approximate locations of existing and / or proposed site features. The information illustrated is largely based on data provided by the client at the time of our study. ESNW cannot be responsible for subsequent design changes or interpretation of the data by others.

NOTE: This plate may contain areas of color. ESNW cannot be responsible for any subsequent misinterpretation of the information resulting from black & white reproductions of this plate.

Wall Plan - Critical Area Study
Issaquah Highlands - Block 23
Issaquah, Washington

Earth Solutions NW

Drwn. By	GLS
Checked By	RAC
Date	08/15/2011
Proj. No.	1699.11
Plate	3